

INITIAL STATEMENT OF REASONS
The Mobilehome Parks Act and Special Occupancy Parks Act Regulations
California Code of Regulations
Title 25, Division 1. Housing and Community Development
Chapter 2. Mobilehome Parks and Installations
Chapter 2.2. Special Occupancy Parks

Program Overview.

The Mobilehome Parks Act (MPA) and Special Occupancy Parks Act (SOPA) were enacted for the benefit of mobilehome and special occupancy park operators and residents to assure their health, safety and general welfare, to provide them a decent living environment, and to protect their investments in their manufactured homes, mobilehomes, multifamily manufactured homes and recreational vehicles.

The Mobilehome Parks and Special Occupancy Parks Programs within the Department of Housing and Community Development's (Department) develops, administers, and enforces uniform statewide standards which assure owners, residents, and users of mobilehome and special occupancy parks protection from risks to their health and safety. The Department maintains responsibility for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately owned or operated mobilehome parks (MP) and special occupancy parks (SOP) within California.

Specific Purpose of These Regulations.

Those sections within Title 25, California Code of Regulations affected by this rulemaking, and the specific purpose for each adoption or amendment contained in these proposed regulations, are set forth below.

In addition to nonsubstantive, technical and editorial changes, these proposed regulatory amendments address issues and concerns which were raised by the general public, industry groups, local jurisdictions, other government agencies, and Department field staff. These issues include: clarification of multifamily manufactured home installation requirements, access to electrical equipment, LPG tank locations, gas piping installations, exit doorway requirements for awning enclosures, fuel burning appliances in awning enclosures, freestanding awnings, and stairway handrail requirements.

Additionally, amendments requested by the California Public Utilities Commission are proposed to maintain consistency of underground gas piping requirements with the Federal gas service piping standards.

Sections Affected:

- Add Sections 1322, 1426, and 2426
- Amend Chapter 2, Sections 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504, 1612, 1752, and 1756.
- Amend Chapter 2.2, Sections 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, and 2756.

Necessity for the Proposed Regulations.

Chapter 2. Mobilehome Parks (MP) and Installations Initial Statement of Reasons

Amend Section 1000

This section is being amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Amend Section 1002

Subsection (f)(8)(E) has been amended by adding the form “Application to Install Mobilehome/Manufactured Home Earthquake Resistant Bracing System, HCD 50 ERBS form, dated 07/04.” This form was submitted in the rulemaking package that was approved July 6, 2004, but was inadvertently left off the list of forms in the definitions.

Existing subsections (f)(8)(F) through (N) have been re-lettered to reflect the addition of the above referenced subsection.

Subsection (g) is amended by adding a new subsection (3) to include the definition for “Gas Piping, Main”. This is necessary to differentiate between a main gas line and a service line. The definition is a duplication of the definition found in the Code of Federal Regulations, Title 49, Section 192.3, titled, TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS. Current regulations (§1206) require parks to adhere to these federal safety standards.

Subsection (g)(5) and (6) are amended by replacing the word “lateral” with the word “line”. This is to reduce confusion and maintain consistency with all terms used for gas piping.

Subsection (g)(4) through (11) are renumbered to allow for the addition of subsection (3).

Subsection (m) is being amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Subsection (n) is amended to remove the specific reference to “section 215” of the California Building Code (CBC). With the adoption of the 2007 California Building Standards Code, the referenced section in the current California Building Code has

relocated. The simpler reference to the CBC is sufficient because the referenced definition is contained in the CBC definitions.

Subsection (u) is being amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Amend Section 1004

Subsection (g) is amended to maintain consistency with recent legislation (Ch. 138, Stats. of 2008, Section 2) that requires an enforcement agency that is returning enforcement responsibility to return permit and/or plan check fees if a final approval has not been issued. Additionally, all pertinent information for that construction to include plans, previous inspection reports and notices must be included.

Amend Section 1005

This section is amended to maintain consistency with recent legislation (Ch. 138, Stats. of 2008, Section 2) that requires a local enforcement agency that is returning enforcement responsibility back to the state to provide 90 days notice to the Department.

Amend Section 1006

Subsection (a) is amended to maintain consistency with recent legislation (Ch. 138, Stats. of 2008, Section 2) that requires a local enforcement agency that is returning enforcement responsibility back to the state to return all fees collected for permits to operate based on a percentage of the year remaining before they expire.

Subsection (b) is amended to include this same provision for fees collected specifically for park maintenance inspections pursuant to Health and Safety Code section 18502.

Amend Section 1018

Subsection (a) is amended by replacing the reference to Appendix “33” for grading from the previous California Building Code, to Appendix “J” in the recently adopted 2007 California Building Code.

Amend Section 1020

Subsection 1020(c) is being amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Amend Section 1020.1

Subsection 1020.1(a)(1) is amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Amend Section 1020.6

Subsection 1020.1(d) is amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”. The addition of the phrase “by adding lots or installing multifamily manufactured homes” is necessary to clarify what constitutes enlarging a park, thus triggering the necessary local approvals. Since the addition of lots and the installation of multifamily manufactured homes may impact the local community, local government must have approval of land use, and utilities to include sewage disposal.

Amend Section 1032

Subsection (b) of this section is amended by adding the same provision contained in subsection 1020.6(d). Section 1020.6 also refers to approvals for park construction and the addition of multifamily manufactured homes and the amendment to this section is necessary to reduce confusion between these sections requiring the same approvals. For clarity the amendment to this section references the statutory authority for the California Environmental Quality Act

Amend Section 1183

This section is amended by removing the text “and centered on” and adding the text “any panel opening on... used for examination, servicing, adjustment, or maintenance.” This amendment is necessary to maintain consistency with the working clearance requirements contained in section 110.26 of the California Electrical Code, which allows the working clearance to be all on one side of the electrical equipment and not “centered” on the equipment.

Amend Section 1210

This section is amended to reflect language contained in Chapter 38 of the referenced California Fire Code (CFC) that has more stringent requirements for tanks of 125 gallons or more. As this section exists, tanks less than 125 gallons fall under Chapter 38 of the CFC and tanks exceeding 125 gallons must follow the Unfired Pressure Vessels requirements in the California Code of Regulations, Title 8, leaving tanks that are exactly 125 gallons without any standard. This section is amended to include tanks of 125 gallons.

Amend Section 1211

This section is amended to reflect change in the referenced location for LP gas requirements in the referenced California Fire Code (CFC) from Article 82 in the previous CFC to Chapter 38 in the 2007 edition.

Amend Section 1212

The title of the section is amended to clearly identify the contents of the section. The title of the section, "Prohibited Locations of Tanks" is amended to "Location of LPG Tank" because this section specifies the references for all tank locations, not just prohibited locations.

Subsection (a) is amended to allow the use of personal potable LPG appliances such as barbeques and cook stoves within areas that would be restricted to larger tanks. There is no known problem with these types of small tanks.

Subsection (a)(3) is amended by deleting the conditioner "or" because of the addition of subsection (a)(5).

Subsection (a)(4) is amended by adding the conditioner "or" because of the addition of subsection (a)(5).

Subsection (a)(5) is added to further clarify the location requirements. The addition of text "Within five (5) feet of property lines and lot lines that can be built upon" is to maintain consistency with the same requirement as contained in Chapter 38 of the California Fire Code (CFC). This is necessary because virtually none of the parks and/or residents of parks have a copy of the CFC.

Subsection (d) is added to the mobilehome parks regulations to allow installation of a snow cover over LPG tanks and is an exact duplicate of the same provision contained in Section 2212(d) of the Special Occupancy Park Regulations contained in the California Code of Regulations, Title 25, Chapter 2.2. This subsection was originally intended to be added to both Chapters 2 and 2.2 during the amendments approved July 6, 2004, but was inadvertently left out of Chapter 2.

Subsection (e) is added to clarify that a LPG tank less than 125 gallons may be located next to a unit or accessory building or structure. There is no health and safety need for a separation requirement from the tank to a unit or structure and allowing this is consistent with the separation requirements in the California Fire Code. The Department has received numerous inquiries regarding this type of separation and this amendment is necessary to eliminate the confusion.

Subsection (f) is added to clarify the location for the pressure relief valve in relation to openings beneath the level of the valve. LP gas is heavier than air and in the event of a discharge of pressure; the gas falls beneath the level of the valve and could enter openings and accumulate, causing a potential explosion hazard. The distance of three feet allows the gas to dissipate, eliminating the potential hazard. This requirement is consistent with the same provision contained in Chapter 38 of the California Fire Code for LPG locations.

Amend Section 1216

This section is amended at the request of the California Public Utilities Commission (CPUC) and to maintain consistency with the requirements of both the California Plumbing Code and the Federal regulations regarding gas piping.

Subsection (a) is amended to add subsection (1) to differentiate the requirements of the new subsection (a)(2). This is necessary to clarify that the minimum for earth cover of 18 inches is only required for existing piping and for service lines.

Subsection (a)(2) is added to conform to the requirements contained in the Code of Federal Regulations, Title 49, Part 192, subsections 192.327(b) and (d) that require a minimum 24 inches of cover for gas main lines. Private gas distribution systems within

parks are deemed by the Federal regulations to be gas system utility operators and are subject to the Minimum Federal Pipeline Safety Standards contained in 49 CFR, part 192.

Section 49 CFR 192.327(d) allows gas mains to be installed with less than 24 inches of cover “if the law of the State or municipality: 1) Establishes a minimum cover of less than 24 inches...2) Requires that mains be installed in a common trench with other utility lines; **and** 3) Provides adequately for prevention of damage to the pipe by external forces.” Section 192.327 requires all three conditions to be met in order for the cover to be reduced below the 24 inch minimum. This allowance for a lesser depth would only occur with an alternate approval applying all three of the above conditions. Additionally, the current California Plumbing Code also requires a 24 inch depth of cover for new gas piping installations.

Subsection (b)(2) is amended due to the addition of subsection (b)(3) and to incorporate the specific types of structures present in mobilehome parks.

Subsection (b)(3) is added at the request of the CPUC to comply with 49 CFR 192.361(f) and is a duplication of that text. The duplication of the Federal regulatory text is necessary for clarity.

Amend Section 1312

Subsection (a) is amended by adding the subsection identifier to differentiate the requirements of this section from the newly added subsection (b).

Subsection (b) is added to clarify the fire hydrant requirements for parks that have hydrants and were approved for construction prior to September 1, 1968. Current regulations only define the requirements and procedures for parks constructed on or after September 1, 1968.

Prior to September 1, 1968 the requirements of subsection (b) were applicable to parks (Register 61, No. 20 10-14-61). Prior to September 1961 there were no requirements for hydrants in parks; however, there are parks with private hydrant systems that were constructed prior to 1961 and because these requirements are so minimal an existing system should meet at least this level of water flow to even be considered at all effective. Parks constructed prior to September 1, 1968 must only meet the requirements in effect at the time they were constructed and do not have to meet the current five-year water flow test requirements. In accordance with section 1319 of the current regulations, the Private Fire Hydrant and Test Certification Report form HCD 532 must still be filed. Subsection 1319(c)(5) allows a park that meets all other Permit To Operate requirements to be issued a permit to operate provided the hydrant system, “meets or exceeds the requirements approved at the time of its construction”. The park does not need to meet the current requirements for water flow because they were not in effect at the time of its construction.

Amend Section 1320

Subsection 1320(b) is amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Add Section 1322

These requirements are added to the mobilehome park regulations to maintain consistency with the fire protection provisions for dwellings and other structures constructed or installed outside of mobilehome parks and to promote fire protection for the lives and property within parks.

Subsection (a) is added to direct persons installing, or proposing to install, an MH-unit in a Fire Hazard Severity Zone to comply with the exterior ignition-resistant Manufactured Housing regulation requirements located at Title 25, Chapter 3, Article 2.3 beginning with section 4200 for MH-units installed in these zones.

Subsection (b) is added to reference the requirements of subsection (a) and the vegetation clearance provisions of the Public Resource Code and Government Code for MH-units installed outside of parks. Because the regulations inside of parks already address fire prevention, this subsection is only applicable outside of parks.

Amend Section 1333

Subsection 1333(i) is amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Add Section 1426

These requirements are added to the mobilehome park regulations to maintain consistency with the fire protection provisions for dwellings and other structures constructed or installed outside of mobilehome parks and to promote fire protection for the lives and property within parks.

Subsection (a) is added to direct persons installing, constructing or proposing to install or construct, an accessory building or structure or building component in a park, in a State Responsibility Area Fire Hazard Severity Zone or a local Very High Fire Hazard Severity Zone, to comply with the exterior ignition-resistant requirements and standards of quality for that construction located in the California Building Code Chapter 7A, sections 703A and 704A. Because the regulations inside of parks already address fire prevention, only these sections are applicable inside of parks.

Subsection (b) is added to direct persons installing, constructing or proposing to install or construct, an accessory building or structure or building component outside a park in a State Responsibility Area Fire Hazard Severity Zone, a local Very High Fire Hazard Severity Zone, or a Wildland-Urban Interface Fire Area to the requirements contained in the California Building Code Chapter 7A. It is necessary and appropriate to impose all the same requirements that would be imposed on a conventional structure sited on the same lot. No alternative fire prevention rules exist for lots outside of parks. It is necessary for the fire protection standards to be consistent with neighboring new structures.

Amend Section 1429

Subsection (a) is amended to clarify that when a required exit on a unit is enclosed, the exit door from that enclosure still must comply with the exit illumination requirements of the California Building Code and California Electrical Code. This amendment is

necessary to provide the required illumination for ingress and egress by residents and emergency responders in an emergency.

Subsection (c) adds the requirement that if an awning enclosure encloses a required exit, the enclosure may only be internally divided if the divided area also has a doorway to the outside in the event of an emergency. This is necessary to prevent residents and emergency responders from exiting the unit in an emergency into another enclosed space without a proper exit.

Amend Section 1432

Subsection (a) and (b) are amended to make grammatical corrections. There are no other changes to this section.

Amend Section 1438

Subsection (a) is amended by deleting the text “related equipment”. This is deleted because it is unnecessary and confusing. Because there is no definition for “related equipment” and the preceding language “heating, ventilating, comfort cooling systems” already references the California Mechanical Code, all equipment associated with those systems is already included in that reference.

Amend Section 1468

Subsection (g) is repealed as unnecessary. The only awnings that may be attached to an MH-unit are rated at 10 lbs of live load and because all manufactured homes will structurally withstand that load, this subsection is unnecessary and is inconsistent with other provisions of this section that allow the attachment of an awning.

Amend Section 1474

Subsection (g) is amended to clarify the purpose of this subsection. The previous language prohibiting heating and cooking appliances was in place to actually prohibit the accumulation of gasses within an awning enclosure. The addition of the term “Fuel burning” clarifies that “fuel burning” appliances or “equipment”, which produce hazardous gases from combustion may not be used in an awning enclosure.

Amend Section 1504

Subsection (b) is amended to maintain clarity and consistency with the provisions for handrails as contained in the California Building Code. The word “vertical” is removed because the handrail must not exceed the two and one-quarter inches in any cross-sectional dimension.

Subsection (c) adds text requiring the bottom end of a handrail to be rounded to provide additional safety for the public in the event a person were to fall against the end of that handrail. Additionally, text is added to limit the length the handrail and allow it to extend beyond to last support post for safety. This is necessary to allow the installation of the support post, which typically has a three inch footprint and is set back from the

edge at least an inch. Since the handrail must extend to the edge of the bottom step, the length is limited to prevent inadvertent contact.

Subsection (d) is the existing subsection (c) and is re-sequenced to allow for the addition of a new subsection (c).

Amend Section 1612

The amendment to the title of section 1612 clarifies that this section deals with the final notice of compliance requirements “and appeals.”

Subsection (a)(1)(E) is amended to add the provision that a recipient of a “final notice to comply” may request an informal hearing if one has not previously occurred. The purposes of this amendment, in conjunction with amendments to sections 1752 and 1756, are to ensure that every recipient of a violation notice has a right to an informal hearing to appeal or seek clarification of the notice; to reduce delays in repairs and/or preserve staff time by limiting appellants to one informal conference either at the time of the initial notice of violation (Section 1752) or the time of the final compliance order (this section); and generally streamline and clarify the review and appeal process.

Amend Section 1752

As described in the comments on section 1612, the changes to this section, section 1612, and section 1756, taken together, clarify and improve the appeals process. In the amendments to this section, the word “option” is deleted in the first clause because it is superfluous since the current last clause is clear that the conference process is initiated “solely” by the notice recipient. In addition, this clarifies the process since some stakeholders may believe that the informal conference process may be optional and that the individual may go directly to a formal appeals hearing. This not only avoids a better opportunity for informal communication but would also be cost- and time-intensive for the regulatory staff, delaying compliance in most circumstances. The adoption of this section in 1995 and its subsequent rewrite in 2004 were supposed to clearly require that informal conferences were a prerequisite to the formal appeals process.

The second amendment to this section in subdivision (a), “if he or she desires to appeal or seek clarification of the notice of violation”, clarifies that the purpose of the informal conference is not just to appeal to, but also to seek clarification of, an order. Without this clarification, some stakeholders erroneously fear that, if they request technical clarification, they may be charged a “technical service fee” of \$196 for the first hour of technical assistance according to section 1017 of this Chapter, in order to understand the order.

Amend Section 1756

As described in the comments on section 1612, the changes to this section, section 1612, and section 1752, taken together, clarify and improve the appeals process. As the title of section 1756 already indicates, it was the Department’s intent, when this subchapter was originally written in 1995 and rewritten in 2004, to limit formal appeals to decisions and issues previously considered in informal conferences. The proposed language in subdivision (a) clarifies that there are two opportunities for a formal hearing:

either in response to a decision rendered in an informal conference or, as importantly, if an informal conference is denied administratively for the reasons set forth in section 1612. Thus, full due process rights for aggrieved recipients of notices of violation are provided.

The amendment in subsection (b)(1), deleting “notice of violation” and inserting “denial of a request for an informal conference” is consistent with the other changes made in this section, section 1612, and section 1752. There never is an opportunity for a formal hearing immediately after issuance of a notice of violation; however, the aggrieved party needs time limits for the two types of appeals, one in the event of a denial of a request for an informal conference (as provided by this amendment) and one in the event of an adverse result of an informal conference (current subsection (b)(2)).

Chapter 2.2. Special Occupancy Parks

Amend Section 2002

Subsection (g) is amended by adding a new subsection (2) to include the definition for “Gas Piping, Main”. This is necessary to differentiate between a main gas line and a service line. The definition is a duplication of the definition found in the Code of Federal Regulations, Title 49, Section 192.3, titled, TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS. Current regulations (§2206) require parks to adhere to these federal safety standards.

Subsection (g)(4) and (5) are amended by replacing the word “lateral” with the word “line”. This is to reduce confusion and maintain consistency with all terms used for gas piping.

Subsection (g)(5) is also amended by adding the word “park” to clarify that this relates to a park gas system and to maintain consistency with the mobilehome park regulations, which has an identical section.

Subsection (g)(3) through (8) are renumbered to allow for the addition of subsection (2).

Subsection (m) is being amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Subsection (n) is amended to remove the specific reference to “section 215” of the California Building Code (CBC). With the adoption of the 2007 California Building Standards Code, the referenced section in the current California Building Code has relocated. The simpler reference to the CBC is sufficient because the referenced definition is contained in the CBC definitions.

Subsection (u) is being amended to be consistent with recent legislation (Ch. 540, Stats. of 2007) that changed the designation of “multi-unit manufactured housing” to “multifamily manufactured home”.

Amend Section 2004

Subsection (g) is amended to maintain consistency with recent legislation (Ch. 138, Stats. of 2008, Section 4) that requires an enforcement agency that is returning enforcement responsibility to return permit and/or plan check fees if a final approval has not been issued. Additionally, all pertinent information for that construction to include plans, previous inspection reports and notices must be included.

Amend Section 2005

This section is amended to maintain consistency with recent legislation (Ch. 138, Stats. of 2008, Section 4) that requires a local enforcement agency that is returning enforcement responsibility back to the state to provide 90 days notice to the Department.

Amend Section 2006

Subsection (a) is amended to maintain consistency with recent legislation (Ch. 138, Stats. of 2008, Section 4) that requires a local enforcement agency that is returning enforcement responsibility back to the state to return all fees collected for permits to operate based on a percentage of the year remaining before they expire.

Amend Section 2018

Subsection (a) is amended by replacing the reference to Appendix “33” for grading from the previous California Building Code, to Appendix “J” in the recently adopted 2007 California Building Code.

Amend Section 2183

This section is amended by removing the text “and centered on” and adding the text “any panel opening on... used for examination, servicing, adjustment, or maintenance.” This amendment is necessary to maintain consistency with the working clearance requirements contained in section 110.26 of the California Electrical Code, which allows the working clearance to be all on one side of the electrical equipment and not “centered” on the equipment.

Amend Section 2210

This section is amended to reflect language contained in Chapter 38 of the referenced California Fire Code (CFC) that has more stringent requirements for tanks of 125 gallons or more. As this section exists, tanks less than 125 gallons fall under Article 82 of the CFC and tanks exceeding 125 gallons must follow the Unfired Pressure Vessels requirements in the California Code of Regulations, Title 8, leaving tanks that are exactly 125 gallons without any standard. This section is amended to include tanks of 125 gallons.

Amend Section 2211

This section is amended to reflect change in the referenced location for LP gas requirements in the referenced California Fire Code (CFC) from Article 82 in the previous CFC to Chapter 38 in the 2007 edition.

Amend Section 2212

The title of the section is amended to clearly identify the contents of the section. The title of the section, “Prohibited Locations of Tanks” is amended to “Location of LPG Tanks” because this section specifies the references for all tank locations, not just prohibited locations.

Subsection (a) is amended to allow the use of personal potable LPG appliances such as barbeques and cook stoves within areas that would be restricted to larger tanks. There has never been a known problem with these types of small tanks.

Subsection (a)(3) is amended by deleting the conditioner “or” because of the addition of subsection (a)(5).

Subsection (a)(4) is amended by adding the conditioner “or” because of the addition of subsection (a)(5).

Subsection (a)(5) is added to further clarify the location requirements. The addition of text “Within five (5) feet of property lines and lot lines that can be built upon” is to maintain consistency with the same requirement as contained in Chapter 38 of the California Fire Code (CFC). This is necessary because virtually none of the parks and/or residents of parks have a copy of the CFC.

Subsection (d) is amended to clarify that the snow cover for LPG tanks must not only be ventilated, but “open on all sides” to prevent any accumulation of gas.

Subsection (e) is added to clarify that a LPG tank less than 125 gallons may be located next to a unit or accessory building or structure. There is no health and safety need for a separation requirement from the tank to a unit or structure and allowing this is consistent with the separation requirements in the California Fire Code. The Department has received numerous inquiries regarding this type of separation and this amendment is necessary to eliminate the confusion.

Subsection (f) is added to clarify the location for the pressure relief valve in relation to openings beneath the level of the valve. LP gas is heavier than air and in the event of a discharge of pressure; the gas falls beneath the level of the valve and could enter openings and accumulate, causing a potential explosion hazard. The distance of three feet allows the gas to dissipate, eliminating the potential hazard. This requirement is consistent with the same provision contained in Chapter 38 of the California Fire Code for LPG locations.

Amend Section 2216

This section is amended at the request of the California Public Utilities Commission (CPUC) and to maintain consistency with the requirements of both the California Plumbing Code and the Federal regulations regarding gas piping.

Subsection (a) is amended to add subsection (1) to differentiate the requirements of the new subsection (a)(2). This is necessary to clarify that the minimum for earth cover of 18 inches is only required for existing piping and for service lines.

Subsection (a)(2) is added to conform to the requirements contained in the Code of Federal Regulations, Title 49, Part 192, subsections 192.327(b) and (d) that require a minimum 24 inches of cover for gas main lines. Private gas distribution systems within parks are deemed by the Federal regulations to be gas system utility operators and are subject to the Minimum Federal Pipeline Safety Standards contained in 49 CFR, part 192.

Section 49 CFR 192.327(d) allows gas mains to be installed with less than 24 inches of cover “if the law of the State or municipality: 1) Establishes a minimum cover of less than 24 inches...2) Requires that mains be installed in a common trench with other utility lines; and 3) Provides adequately for prevention of damage to the pipe by external forces.” Section 192.327 requires all three conditions to be met in order for the cover to be reduced below the 24 inch minimum. This allowance for a lesser depth would only occur with an alternate approval applying all three of the above conditions. Additionally, the current California Plumbing Code also requires a 24 inch depth of cover for new gas piping installations.

Subsection (b)(2) is amended due to the addition of subsection (b)(3) and to incorporate the specific types of structures present in special occupancy parks.

Subsection (b)(3) is added at the request of the CPUC to comply with 49 CFR 192.361(f) and is a duplication of that text. The duplication of the Federal regulatory text is necessary for clarity.

Amend Section 2312

Subsection (a) is amended by adding the subsection identifier to differentiate the requirements of this section from the newly added subsection (b).

Subsection (b) is added to clarify the fire hydrant requirements for parks that have hydrants and were approved for construction prior to September 1, 1968. Current regulations only define the requirements and procedures for parks constructed on or after September 1, 1968.

Prior to September 1, 1968 the requirements of subsection (b) were applicable to parks (Register 61, No. 20 10-14-61). Prior to September 1961 there were no requirements for hydrants in parks; however, there are parks with private hydrant systems that were constructed prior to 1961 and because these requirements are so minimal an existing system should meet at least this level of water flow to even be considered at all effective. Parks constructed prior to September 1, 1968 must only meet the requirements in effect at the time they were constructed and do not have to meet the current five-year water flow test requirements. In accordance with section 2319 of the current regulations, the Private Fire Hydrant and Test Certification Report form HCD 532 must still be filed. Subsection 2319(c)(5) allows a park that meets all other Permit To Operate requirements to be issued a permit to operate provided the hydrant system, "meets or exceeds the requirements approved at the time of its construction". The park does not need to meet the current requirements for water flow because they were not in effect at the time of its construction.

Amend Section 2327

Subsection (c) of this section is amended to correct the reference to the smoke alarm requirements contained in the California Building Code. The recently adopted 2007 California Building Code relocated the smoke alarm requirements to a different section.

Subsection (j) is added to direct persons installing, or proposing to install, a camping cabin in a State Responsibility Area Fire Hazard Severity Zone or a local Very High Fire Hazard Severity Zone as indicated by the California Department of Forestry and Fire Protection, to the requirements located in the California Building Code, Title 24, Part 2, Chapter 7A. This requirement is added to the special occupancy park regulations to maintain consistency with the fire protection provisions for conventional dwellings and structures as well as manufactured homes outside of mobilehome parks and to promote fire protection for the lives and property within parks.

Add Section 2426

These requirements are added to the special occupancy park regulations to maintain consistency with the fire protection provisions for dwellings and other structures

constructed or installed outside of parks and to promote fire protection for the lives and property within parks.

Subsection (a) is added to direct persons installing, constructing or proposing to install or construct, an accessory building or structure or building component in a park in a State Responsibility Area Fire Hazard Severity Zone or a local Very High Fire Hazard Severity Zone to comply with the exterior ignition-resistant requirements and standards of quality for that construction located in the California Building Code Chapter 7A, sections 703A and 704A. Because the regulations inside of parks already address fire prevention, only these sections are applicable inside of parks.

Subsection (b) is added to direct persons installing, constructing or proposing to install or construct, an accessory building or structure or building component outside a park in a State Responsibility Area Fire Hazard Severity Zone, a local Very High Fire Hazard Severity Zone, or a Wildland-Urban Interface Fire Area to comply with the requirements contained in the California Building Code Chapter 7A. It is necessary and appropriate to impose all the same requirements that would be imposed on a conventional structure sited on the same lot. No alternative fire prevention rules exist for lots outside of parks. It is necessary for the fire protection standards to be consistent with neighboring new structures.

Amend Section 2429

Subsection (a) is amended to clarify that when a required exit on a unit is enclosed, the exit door from that enclosure still must comply with the exit illumination requirements of the California Building Code and California Electrical Code. This amendment is necessary to provide the required illumination for ingress and egress by residents and emergency responders in an emergency.

Subsection (b) is added to provide the same basic safety provision as contained in section 1429 of the Mobilehome Park regulations. This addition requires an awning enclosure that encloses a required exit from a unit to have an exit door as close as possible to the location of the required exit and if the awning enclosure encloses more than one exit additional exits must be located as close as possible to those exits. This is necessary to limit the path of travel during an emergency and not have the awning enclosure become an impediment to egress.

Subsection (c) adds the requirement that if an awning enclosure encloses a required exit, the enclosure may only be internally divided if the divided area also has a doorway to the outside in the event of an emergency. This is necessary to prevent residents and emergency responders from exiting the unit in an emergency into another enclosed space without a proper exit.

Amend Section 2438

This section is amended to clarify the purpose of this section. The previous language prohibiting heating, ventilating appliances and fireplaces was in place to prohibit the accumulation of gasses within an awning enclosure. The addition of the term "Fuel burning" clarifies that "fuel burning" appliances or "equipment", which produce hazardous gases from combustion may not be used in an awning enclosure.

Amend Section 2474

Subsection (g) is amended to clarify the purpose of this subsection. The previous language prohibiting heating and cooking appliances was in place to actually prohibit the accumulation of gasses within an awning enclosure. The addition of the term “Fuel burning” clarifies that “fuel burning” appliances or “equipment”, which produce hazardous gases from combustion may not be used in an awning enclosure.

Subsection (h) is added to this section to clarify that a unit may not be open to the interior of an awning enclosure. According to section 2474, awning enclosures “shall be used only for recreational or outdoor living purposes”. Awning enclosures do not meet the requirements for a habitable area. As such, a unit open to an awning enclosure, essentially an outdoor area, without insulated, weatherproof doors and/or windows would be substandard. This amendment is necessary to ensure an awning enclosure is not used as a habitable structure.

Amend Section 2504

Subsection (b) is amended to maintain clarity and consistency with the provisions for handrails as contained in the California Building Code. The word “vertical” is removed because the handrail must not exceed the two and one-quarter inches in any cross-sectional dimension.

Subsection (c) adds text requiring the bottom end of a handrail to be rounded to provide additional safety for the public in the event a person were to fall against the end of that handrail. Additionally, text is added to limit the length the handrail and allow it to extend beyond to last support post for safety. This is necessary to allow the installation of the support post, which typically has a three inch footprint and is set back from the edge at least an inch. Since the handrail must extend to the edge of the bottom step, the length is limited to prevent inadvertent contact.

Subsection (d) is the existing subsection (c) and is re-sequenced to allow for the addition of a new subsection (c).

Amend Section 2612

The amendment to the title of section 2612 clarifies that this section deals with the final notice of compliance requirements “and appeals.”

Subsection (a)(1)(E) is amended to add the provision that a recipient of a “final notice to comply” may request an informal hearing if one has not previously occurred. The purposes of this amendment, in conjunction with amendments to sections 2752 and 2756, are to ensure that every recipient of a violation notice has a right to an informal hearing to appeal or seek clarification of the notice; to reduce delays in repairs and/or preserve staff time by limiting appellants to one informal conference either at the time of the initial notice of violation (Section 2752) or the time of the final compliance order (this section); and generally streamline and clarify the review and appeal process.

Amend Section 2752

As described in the comments on section 2612, the changes to this section, section 2612, and section 2756, taken together, clarify and improve the appeals process. In the amendments to this section, the word “option” is deleted in the first clause because it is

superfluous since the current last clause is clear that the conference process is initiated “solely” by the notice recipient. In addition, this clarifies the process since some stakeholders may believe that the informal conference process may be optional and that the individual may go directly to a formal appeals hearing. This not only avoids a better opportunity for informal communication but would also be cost- and time-intensive for the regulatory staff, delaying compliance in most circumstances. The adoption of this section in 1995 and its subsequent rewrite in 2004 were supposed to clearly require that informal conferences were a prerequisite to the formal appeals process.

The second amendment to this section in subdivision (a), “if he or she desires to appeal or seek clarification of the notice of violation”, clarifies that the purpose of the informal conference is not just to appeal to, but also to seek clarification of, an order. Without this clarification, some stakeholders erroneously fear that, if they request technical clarification, they may be charged a “technical service fee” of \$196 for the first hour of technical assistance according to section 2017 of this Chapter, in order to understand the order.

Amend Section 2756

As described in the comments on section 2612, the changes to this section, section 2612, and section 2752, taken together, clarify and improve the appeals process. As the title of section 2756 already indicates, it was the Department’s intent, when this subchapter was originally written in 1995 and rewritten in 2004, to limit formal appeals to decisions and issues previously considered in informal conferences. The proposed language in subdivision (a) clarifies that there are two opportunities for a formal hearing: either in response to a decision rendered in an informal conference or, as importantly, if an informal conference is denied administratively for the reasons set forth in section 2612. Thus, full due process rights for aggrieved recipients of notices of violation are provided.

The amendment in subsection (b)(1), deleting “notice of violation” and inserting “denial of a request for an informal conference” is consistent with the other changes made in this section, section 2612, and section 2752. There never is an opportunity for a formal hearing immediately after issuance of a notice of violation; however, the aggrieved party needs time limits for the two types of appeals, one in the event of a denial of a request for an informal conference (as provided by this amendment) and one in the event of an adverse result of an informal conference (current subsection (b)(2)).